

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**MASS ENGINEERED DESIGN, INC. and
JERRY MOSCOVITCH**

Plaintiffs

VS.

ERGOTRON, INC., DELL INC., CDW CORPORATION, and TECH DATA CORPORATION

Defendants

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CASE NO. 206 CV 272
PATENT CASE

ORDER

Having reviewed the parties' time estimates, the Court **ORDERS** that *each side* shall have 45 minutes for voir dire, 60 minutes for opening statements, 15 hours for direct and cross examinations, and 60 minutes for closing arguments. This case will proceed to jury selection on November 4, 2008 and trial on November 10, 2008. As stated at the pretrial hearing, the Court

ORDERS that the parties file their agreed jury questionnaire by October 30, 2008 and submit a version to the Court in WordPerfect format;

DENIES Dell's motion to strike portions of the Bratic report (Docket No. 389) but Dell and Ergotron can file an amended report by October 30, 2008, as described at the hearing;

DENIES without prejudice Mass's motion for summary judgment that no Bloomberg employee coinvented the '978 patent (Docket No. 400);

DENIES Dell's motion to strike (Docket No. 521);

DENIES Ergotron, CSAV, CDW, and Tech Data's motion for summary judgment of non-

infringement (Docket No. 406);

DENIES CSAV's motion for non-infringement (Docket No. 408);

DENIES Dell's motion to reconsider Dell's motion for summary judgment of indefiniteness (Docket No. 415);

DENIES Ergotron's motion for summary judgment of invalidity and inequitable conduct (Docket No. 418);

DENIES CDW's motion for summary judgment for lack of standing (Docket No. 425);

DENIES Defendants' collective motion to exclude Bratic (Docket No. 445);

DENIES Dell's motion to exclude Akin (Docket No. 410);

DENIES Dell's motion for summary judgment on infringement (Docket No. 422);

DENIES Dell's motion to strike Mass's summary judgment evidence (Docket No. 484);

DENIES Mass's motion for summary judgment on implied license (Docket No. 416) and this issue will be tried to the jury;

GRANTS in part and **DENIES** in part the parties' motions in limine as stated at the hearing (Docket Nos. 573, 575, 580, and 582);

GRANTS as unopposed Mass's motion for summary judgment regarding Dell's damages (Docket No. 403); and

DENIES as moot Docket Nos. 402, 404, 405, 411, 413, 423, 447, 484, and 572.

So ORDERED and SIGNED this 24th day of October, 2008.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE